

**SCHERING-PLOUGH CORPORATION**  
 LAW DEPARTMENT  
 2000 GALLOPING HILL ROAD  
 K-6-1, MAIL STOP 1990  
 KENILWORTH, NEW JERSEY 07033  
 (908) 298-4000

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AUG 03 2004

**FACSIMILE TRANSMITTAL SHEET**

**OFFICIAL**

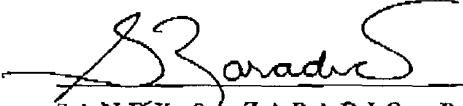
TO:	FAX NUMBER:
COMMISSIONER FOR PATENTS, USPTO	(703) 872-9306
FROM:	PHONE NUMBER:
Sandy Zaradic, Ph.D., Patent Agent	(908) 298-7221
TOTAL NO. OF PAGES INCLUDING COVER	DATE
12	August 3, 2004

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Application No.: 10/786,886  
Applicant: Andrews et al.  
Filed: February 25, 2004  
TC/A.U.: 1614  
Docket No.: CD0787Q1  
Customer No.: 24265

Transmitted herewith are:

- Petition for Refund of Fee for Late Oath - 1 page
- USPTO Deposit Account Statement (06/2004)- 1 page
- Utility Patent Application Transmittal (02/25/2004 copy) - 1 page
- Return Postcard (02/25/2004 copy) - 1 page
- Notice to File Missing Parts - copy - 2 pages
- Fee Submission-Missing Parts (06/14/2004 copy) - 1 page
- Fee Transmittal (06/14/2004 copy) - 1 page
- Declaration (executed copy) - 2 pages
- Certificate of Fax Transmission - 1 page
- Fax Cover Sheet - 1 page

  
 SANDY S. ZARADIC, PH.D.  
 REGISTERED REPRESENTATIVE  
 REGISTRATION NO. 45,997

45349\_1.DOC

PHONE: (908) 298-7221

FAX: (908) 298-5388

Attorney Docket No.: CD0787Q1

Application No.: 10/786,886

Filing Date: 02/25/2004

First Named Inventor: Andrews et al.

PTO/SB/07 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703-872-9306)

on August 3, 2004  
Date

  
\_\_\_\_\_  
SignatureSANDY ZARADIC, Reg. No. 45,997

Typed or printed name of person signing Certificate

**Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.**

Document(s) being transmitted:

Petition for Refund of Fee for Late Oath - 1 page      USPTO Deposit Account Statement (06/2004)- 1 page  
Utility Patent Application Transmittal (02/25/2004 copy) - 1 page  
Return Postcard (02/25/2004 copy) - 1 page  
Notice to File Missing Parts (05/18/2004 copy) - 2 pages  
Fee Submission-Missing Parts (06/14/2004 copy) - 1 page  
Fee Transmittal (06/14/2004 copy) - 1 page  
Declaration (executed copy) - 2 pages  
Certificate of Fax Transmittal - 1 page      Fax Cover Sheet - 1 page

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**OFFICIAL**

Appl. No. : 10/786,886 Confirmation No. 1893

Applicant : David R. Andrews *et al.*

Filed : February 25, 2004

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TC/A.U. : 1614

AUG 03 2004

Examiner : not assigned yet

Docket No. : CD0787Q1

Customer No. : 24265

August 3, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REFUND OF FEE FOR LATE OATH OR DECLARATION**

Applicants respectfully request a refund of \$130 for application 10/786,886 posted on June 18, 2004 (denoted as Control No. 106 in the Monthly Statement of Deposit Account page enclosed herein). This charge represents a late filing fee for an Oath or Declaration which was listed as due in the Notice to File Missing Parts (a copy of which is enclosed herein). But, an executed Declaration was filed concurrently with this specification on February 25, 2004 (as evidenced by copies of the corresponding Utility Patent Application transmittal and returned postcard). This was pointed out in responding to the Notice to File Missing Parts (as reflected in the copies provided herein). Consequently, no late fee is due.

If there are any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

  
Sandy Zaradic, Ph.D.  
Reg. No. 45,997  
Patent Agent  
(908) 298-7221

SCHERING-PLOUGH CORPORATION  
Patent Department, K-6-1, 1990  
2000 Galloping Hill Road  
Kenilworth, New Jersey 07033-0530



**United States  
Patent and  
Trademark Office**

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**Deposit Account Statement**

**Requested Statement Month:** June 2004  
**Deposit Account Number:** 190365  
**Name:** SCHERING-PLOUGH CORP.  
**Attention:** PATENT DEPARTMENT K-6-1 1990  
**Address:** 2000 GALLOPING ROAD  
**City:** KENILWORTH  
**State:** NJ  
**Zip:** 07033-0530

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
06/02	99	60575126	PD06180L01US 1005		\$160.00	\$107,616.05
06/02	109	60575115	CV06197 L 1 1005		\$160.00	\$107,456.05
06/03	27	29196844	FC06153 01 1051		\$130.00	\$107,326.05
06/03	28	29196844	FC06153 01 1251		\$110.00	\$107,216.05
06/04	21	10857695	AH06056US01 1001		\$770.00	\$106,446.05
06/04	22	10857695	AH06056US01 1202		\$144.00	\$106,302.05
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06/04	114	10705282	CV01185K1X 1252		\$420.00	\$105,592.05
06/08	4	P-109043		1460	\$130.00	\$105,462.05
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06/09	51	10304939	CN01522K1 1814		\$110.00	\$104,396.05
06/09	63	10759859	DE01047 1051		\$130.00	\$104,266.05
06/10	17	10735983	OC06001-01 8021		\$40.00	\$104,226.05
06/14	22	10791910	CV06025US01 1051		\$130.00	\$104,096.05
06/15	21	10864218	CV01148KQ 1001		\$770.00	\$103,326.05
06/15	22	10864218	CV01148KQ 1202		\$360.00	\$102,966.05
06/15	59	09994444	DX0669KB 1401		\$330.00	\$102,636.05
06/15	60	09994444	DX0669KB 1253		\$950.00	\$101,686.05
06/18	13	60579920	CN06202L01US 1005		\$160.00	\$101,526.05
06/18	88	10867586	JB01641K 1001		\$770.00	\$100,756.05
06/18	89	10867586	JB01641K 1202		\$234.00	\$100,522.05
06/18	105	10786886	CD0787Q1 1001		\$770.00	\$99,752.05
→	06/18	106	10786886	CD0787Q1 1051	\$130.00	\$99,622.05 ←
06/18	119	10867600	CD06069US01 1001		\$770.00	\$98,852.05
06/18	120	10867600	CD06069US01 1201		\$172.00	\$98,680.05
06/18	121	10867600	CD06069US01 1202		\$126.00	\$98,554.05

PTO/SB/05 (06-03)

Approved for use through 07/31/2003, OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	CD0787Q1
First Inventor	ANDREWS
Title	CRYSTALLINE ANTIINFECTIVE POLYMORPH
Express Mail Label No.	BV 334449220 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. <input type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, aff necessary)
3. <input checked="" type="checkbox"/> Specification [Total Pages 27] (preferred arrangement set forth below) - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure	a. <input type="checkbox"/> Computer Reader Form (CRF)
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 10]	b. <input type="checkbox"/> Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper
5. Oath or Declaration [Total Sheets _____] a. <input type="checkbox"/> Newly executed (original or copy)	c. <input type="checkbox"/> Statements verifying identity of above copies
b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional/ with Box 18 completed)	ACCOMPANYING APPLICATION PARTS
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting Inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of (when there is an assignee) <input type="checkbox"/> Attorney
6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	11. <input type="checkbox"/> English Translation Document (if applicable) <input type="checkbox"/> Copies of IDS Statement (IDS)/PTO-1449 12. <input type="checkbox"/> Information Disclosure <input type="checkbox"/> Citations Statement (IDS)/PTO-1449 13. <input checked="" type="checkbox"/> Preliminary Amendment (5 pgs +10 pgs. 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) <input type="checkbox"/> drawings 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input type="checkbox"/> Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 09/166,445Prior application information: Examiner Emily B. Bernhardt Art Unit: 1624  
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.  
The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number.	24265	OR <input type="checkbox"/> Correspondence address below		
Name	Thomas D. Hoffman, Reg. No. 28221			
Address				
City		State	Zip Code	
Country	Telephone	908-298-5037	Fax	908-298-5388
Name (Print/Type)	THOMAS D. HOFFMAN	Registration No. (Attorney/Agent)	28221	
Signature	<i>Thomas D Hoffman</i>		Date	February 25, 2004

This collection of information is required by 37 CFR 1.53(d). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Computer Input \_\_\_\_\_

Date: \_\_\_\_\_

PA: WAN *mgw* *2/25/04*

Attny: \_\_\_\_\_

 FILE  CHECK FILE*SH*

## RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: ANDREWS, et al.Serial No.: To be Assigned Atty.: TDH; ppsFiled: 02/25/2004 Case No.: CD0787Q1For: CRYSTALLINE ANTIFUNGAL POLYMORPH

Enclosed:

Application papers comprising:

 Transmittal for Filing Provisional Appln. (PTO/SB/16)  
In Duplicate Transmittal for Filing Utility Patent Appln. (PTO/SB/05) Transmittal for Filing Design Patent Appln. (PTO/SB/18)C 22 Pgs. of SpecificationO 4 Pgs. of Claims / No. of Claims 5P 1 Pgs. of AbstractY 10 Pgs. of Drawings (Formal/Informal)

2 Pgs. of Application Data Sheet

Pgs. of S-P Patent Application Cover Sheet

2 Pgs. Declaration/Power of Attorney

10/25/2004/Copy)

5 Pgs. of Preliminary Amendment

Pgs. of Sequence Listing

Pgs. of Sequence Listing Statement

 Sequence Listing Diskette

Pgs. of Information Disclosure Statement

Pgs. of Form PTO 1449 (No. of documents \_\_\_\_\_)

 Fee Transmittal (PTO/SB/17) In Duplicate 17548 U.S. PTO Charge to Deposit Account No. 19-0365 10/786886  
in the amount of \$ \_\_\_\_\_ 10 Pages of Drawings (Formal)  022504Date Mailed: 02/25/2004Express Mail Label No.: EV 334449220 US

4165 (8/03)



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/786,886	02/25/2004	David R. Andrews PATENT DEPARTMENT RECEIVED	CD0787Q1
24265			CONFIRMATION NO. 1893
SCHERING-PLough CORPORATION PATENT DEPARTMENT (K-6-1, 1990) 2000 GALLOPING HILL ROAD KENILWORTH, NJ 07033-0530			S. 20 MAY 20 2004
			FORMALITIES LETTER
			MAY 20 2004
			WAN 000000012702677
			5/18/2004
			Date Mailed: 05/18/2004
		<input type="checkbox"/> FILE <input type="checkbox"/> CHECK FILE	

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$900 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
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 P.O. Box 1450  
 Alexandria VA 22313-1450

*File Missing Parts*  
**RESPONSE DUE:** 7-18-04  
**OFFICE ACTION DUE:** 7-18-04

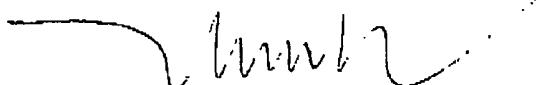
08/03/04 13:57 FAX 908 298 5405

SCHERING-PLOUGH

4008

Page 2 of 2

*A copy of this notice **MUST** be returned with the reply.*

  
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Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/786,886 Confirmation No. 1893  
Applicant : David R. Andrews *et al.*  
Filed : February 25, 2004  
TC/A.U. : not assigned yet  
Examiner : not assigned yet  
Docket No. : CD0787Q1  
Customer No. : 24265

June 14, 2004

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FEE SUBMISSION - MISSING PARTS

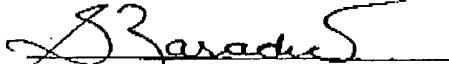
This is in response to the Notice to File Missing Parts of Nonprovisional Application (Confirmation No. 1893) dated May 18, 2004 (copy enclosed), in the above-identified application. Provision for payment of the following fee (large entity) is enclosed herewith.

\$770 Statutory basic filing fee.

Applicants respectfully note that, as indicated on the return postcard dated February 25, 2004, the Declaration was filed along with the specification in this case. Copies of the previously submitted Declaration as well as the return postcard dated February 25, 2004 are enclosed herewith.

If there are any questions, the Office is invited to contact the undersigned.

Respectfully submitted,

  
Sandy Zaradic, Ph.D.  
Reg. No. 45,997  
Patent Agent for Applicants  
(908) 298-7221

SCHERING-PLOUGH CORPORATION  
Patent Department, K-6-1, 1990  
2000 Galloping Hill Road  
Kenilworth, New Jersey 07033-0530  
Fax: 908-298-5388

Copy

PTO/SB/17 (10-03)  
 Approved for use through 07/31/2006, OMB 0651-0232  
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 770.00)

## Complete if Known

Application Number	10/786,886
Filing Date	02/25/2004
First Named Inventor	David R. Andrews et al.
Examiner Name	
Art Unit	
Attorney Docket No.	CD0787Q1

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

 Deposit Account:

Deposit Account Number	19-0365
Deposit Account Name	Schering-Plough Corporation

The Director is authorized to: (check all that apply)  
 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385			Utility filing fee	770.00
1002 340	2002 170			Design filing fee	
1003 530	2003 265			Plant filing fee	
1004 770	2004 385			Reissue filing fee	
1005 160	2005 80			Provisional filing fee	
SUBTOTAL (1)		(\$ 770.00)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20* =	X	
Claims	-3* =	X	
Multiple Dependent			

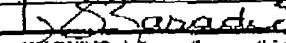
Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ )

\*or number previously paid, if greater. For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 650	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(d))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$ )	

SUBTOTAL (3) (\$ )

(Complete if applicable)			
Name (Print/Type)	SANDY ZARADIC	Registration No. (Attorney/Agent)	45,997
Signature		Date	June 14, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DECLARATION AND POWER OF  
ATTORNEY FOR PATENT APPLICATION

Attorney's Docket No. CD07870

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am the original, first sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CRYSTALLINE ANTIFUNGAL POLYMORPH

the specification of which

is attached hereto.

was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_ (if applicable).

was filed on \_\_\_\_\_ as PCT International Application No. \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed:

(Number)	(Country)	(Day/Month/Year Filed)	Yes or No
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I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

60/061,231

(Application Number)

10/07/97

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status - patented, pending, abandoned)

Power of Attorney: As a named Inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in Patent and Trademark Office connected therewith. (List name and registration number.)

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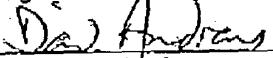
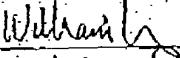
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of First Inventor	Signature of Second Inventor	Signature of Third Inventor
		
Date 10/1/98	Date 10/1/98	Date 10/1/98

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